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EXDIS - MILITARY ADDEES HANDLE AS SPECAT EXCLUSIVE

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FOLLOWING REPEAT ATHENS 2739 ACTION SECSTATE INFO SECDEF

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QUOTE

S E C R E T ATHENS 2739

EXDIS

MILITARY ADDEES HANDLE AS SPECAT EXCLUSIVE

E.O. 11652: GDS

TAGS: MARR, GR, US

SUBJECT: GREEK BASE NEGOTIATIONS: SECOND MEETING OF

SUBGROUP ON SOFA QUESTIONS

REF: ATHENS 2717

USNATO ALSO FOR DEPASSTSECDEF BERGOLD

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1. SUBCOMMITTEE ON STATUS OF FORCES QUESTIONS MET MORNING

OF APRIL 9 FOR TWO HOURS. GREEK SIDE INCLUDED MACHERITSAS OF LEGAL SECTION AS WELL AS ECONOMIDES AND CONSTAS. US SIDE OPENED BY REITERATING THAT DISCUSSIONS EXPLORATORY, TO DEFINE POINTS OF AGREEMENT AND DISAGREEMENT. US SIDE NOTED THAT WHAT SUBGROUP ABLE TO AGREE ON CONCERNING SOFA QUESTIONS WOULD BE AFFECTED TO A DEGREE BY PROGRESS OR LACK THEREOF MADE ON OTHER SUBJECTS UNDER DISCUSSION IN PLENARY; NOTED ITS SATISFACTION WITH EXISTING ARRANGEMENTS BUT EXPRESSED READINESS TO STUDY WITH GREEK SIDE SPECIFIC PROBLEMS WITH VIEW TO MODIFYING ARRANGEMENTS TO MEET GREEK REQUIREMENTS. US SIDE REFLECTED ITS SURPRISE AT INTRODUCTION BY GREEKS PREVIOUS DAY OF STATUS OF OTHER US PERSONNEL OFFICIALLY IN GREECE IN ADDITION TO STATUS OF US FORCES. CONSTAS COMMENTED THAT STATUS OF OTHER US PERSONNEL NOT UNRELATED TO US FORCES SINCE AGREEMENTS OF 1947-49 INTENDED IN PART FOR PURPOSE OF FACILITATING SUPPLY OF MILITARY AID TO GREECE. HE ALSO COMMENTED THAT VOA COULD BE USED IN TIME OF CONFLICT FOR PSYCHOLOGICAL WARFARE, IMPLYING A MILITARY CHARACTER TO THESE FACILITIES.

2. US SIDE ACKNOWLEDGED SIMPLE LOGIC AND SUPERFICIAL ATTRACTIVENESS OF GREEK PROPOSAL TO ABOLISH 1956 SOFA BILATERAL AND CERTAIN PROVISIONS OF 1953 MILITARY FACILITIES AGREEMENT (MFA). US SIDE REVIEWED ORIGINS OF 1951 NATO SOFA, POINTING OUT THAT IT WAS LOWEST COMMON DENOMINATOR AND THAT ALL 12 PARTICIPANTS WERE WILLING IN ONE WAY OR ANOTHER TO PROVIDE MORE FAVORABLE STATUS FOR VISITING FORCE. NATO SOFA NEITHER DESIGNED NOR INTENDED TO OPERATE IN A VACUUM, AND PARTIES TO SOFA INTENDED FOR IT TO BE IMPLEMENTED AND SUPPLEMENTED BY AGREEMENTS BETWEEN SENDING AND RECEIVING STATES. US SIDE CITED NATO SOFA PREAMBLE, ARTICLE IX, PARA 3 AND PARA 7, AND ARTICLE XI, PARA 4, ALL INDICATING THAT ADDITIONAL AGREEMENTS CONTEMPLATED. US SIDE REFERRED TO EXISTENCE OF COMMISSARIES, EXCHANGES AND APO WHEREEVER US FORCES PRESENT, NONE OF WHICH SPECIFICALLY PROVIDED FOR IN NATO SOFA, BUT WHICH EMBODIED IN BILATERAL AGREEMENTS. NATO SOFA WAS
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BASIC EDIFICE UPON WHICH ADDITIONAL STRUCTURES TO BE BUILT. US SIDE EXHIBITED SOFA WITH FRG AND CITED NETHERLANDS SOFA AS INDICATIONS RESPECTIVELY OF VERY EXTENSIVE AND RATHER BRIEF BILATERALS, IMPLEMENTING AND EXPANDING ON NATO SOFA OF THE KIND WE HAVE WITH OTHER NATO ALLIES. US SIDE NOTED 1953 MFA (APPENDIX I) AND 1956 BILATERAL SOFA WERE VEHICLES WHEREBY NATO SOFA WAS EXPANDED AND IMPLEMENTED IN GREECE. ACKNOWLEDGING

THAT STATUS OF US FORCES IN GREECE SHOULD BE PREMISED UPON NATO SOFA AND THAT ANY BILATERAL HAD TO RESPECT SOVEREIGNTY OF GREECE AND US, US SIDE EXPRESSED DESIRE TO BE FORTHCOMING IN SOLVING ANY SPECIFIC PROBLEMS GREECE HAD.

3. US SIDE REFERRED TO CONCERN EXPRESSED PREVIOUS DAY BY GREEKS RELATING TO WAIVER PROVISION IN 1956 BILATERAL, SURMISED THAT OTHER AREAS MIGHT BE TROUBLESOME TO GREEKS, AND EXPRESSED WILLINGNESS TO DISCUSS ANY SOFA PROVISION WHICH MIGHT BE OF CONCERN. REGARDING WAIVER, US SIDE POINTED OUT THAT 1956 BILATERAL STATED BASIC FACT, THAT VISITING FORCE ULTIMATELY RESPONSIBLE FOR GOOD ORDER AND DISCIPLINE OF MEMBERS OF THAT FORCE. NETHERLANDS FORMULA EMBODIED IN 1956 BILATERAL WAS THUS RECOGNITION OF THIS RESPONSIBILITY, WHICH WAS REFLECTED IN SIMILAR PROVISIONS CONTAINED IN OTHER BILATERAL AGREEMENTS. US SIDE PROVIDED TEXT OF ALTERNATIVE, AS PROVIDED IN BASIC GUIDANCE PAPER AND SUPPLEMENTED BY PROVISION OF 1956 BILATERAL CONCERNING TRIAL OBSERVERS. AFTER READING THIS TEXT, GREEK SIDE SOUGHT CLARIFICATION OF IDENTITY AND ROLE OF TRIAL OBSERVER, WHICH US SIDE PROVIDED. GREEKS SUGGESTED THAT GOG MIGHT WITH INCLUSION OF PROVISION SIMILARLY ALLOWING GOG TO SEND ITS OBSERVER TO US COURTS-MARTIAL WHEN GREECE WAIVED ITS JURISDICTION. US SIDE POINTED OUT THAT COURTS-MARTIAL BY DEFINITION CONDUCTED PUBLIC TRIALS TO WHICH GREEK CERTAINLY COULD COME AND NOTED THAT US RECENTLY HAD INVITED GOG TO SEND OBSERVER TO PENDING TRIAL OF SANCHEZ.

4. ECONOMIDES ACCEPTED THAT SOFA ITSELF PROVIDED SECRET

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FOR FURTHER AGREEMENTS. GREEK SIDE HAD NO OBJECTION TO US SIDE SETTING FORTH PROPOSALS IN GENERAL SPIRIT AND FRAMEWORK OF SOFA TO SUPPLEMENT THAT DOCUMENT. REFERRING AGAIN TO CONSTITUTIONAL PROBLEM OF DIFFERENCE BETWEEN BASIC MFA AND SECRET APPENDIX THERETO, ECONOMIDES REPEATED NEED TO "SUPPRESS SOME PROVISIONS" OF LATTER DOCUMENT. HE NOTED THAT IF ON SOME POINTS NEW AGREEMENT HAD TO DEVIATE FROM SOFA, THIS SHOULD BE DONE IN CONSIDERATION OF FUNCTIONAL NEEDS OF US FORCES BUT WITHOUT DEVIATING TOO FAR FROM NATO SOFA.

5. ECONOMIDES THEN ADDRESSED US DRAFT TEXT ON WAIVER, INDICATING HIS FAVORABLE IMPRESSION OF FIRST PARA (WITH ADDITION OF SPECIFIC REFERENCE TO SOFA, ARTICLE VII, PARA 3), SECOND PARA CONCERNING NOTIFI-

CATION OF RESULTS OF WAIVED CASES, AND OF THIRD
PARA WITH PROBABLE ADDITION OF A PROVISION ALLOWING GREEK
OBSERVERS AS DISCUSSED ABOVE. ECONOMIDES ALSO AGREED
WITH STATEMENT BY US SIDE THAT AGREEMENTS INTERRELATED
AND RESULTS OF SUBCOMMITTEES WORK WOULD BE RELATED TO THAT
OF OTHER COMMITTEES AND PLENARY.

6. RETURNING TO HIS DESIRE TO ADDRESS AGREEMENTS
OF 1947-49, ECONOMIDES SAID THESE NO LONGER
INDISPENSABLE TO US OFFICIALS IN GREECE. SINCE
NEGOTIATION WAS INTENDED TO PRODUCE ENTIRELY NEW
AGREEMENTS, THIS WAS EXCELLENT OPPORTUNITY TO REVIEW
OLD TEXTS WHICH HAD PROVED UNSATISFACTORY TO GREEK
AUTHORITIES AND WHICH DID NOT CONFORM WITH PRESENT
FUNCTIONAL NEEDS OF US TROOPS IN GREECE. AS TO
METHOD, HE PROPOSED US REVIEW TEXTS OF 1953 AND
1956 AGREEMENTS, SAYING WHICH PROVISIONS SHOULD
IN US VIEW BE RETAINED OR ABOLISHED.

7. US SIDE WELCOMED ECONOMIDES REMARKS, WHICH BROUGHT
POINTS OF VIEW CLOSER TOGETHER, AGREED THAT NATO
SOFA WAS BASE BUT REITERATED NECESSITY THAT IT BE
SUPPLEMENTED. US SIDE ACCEPTED IN GENERAL WORK
METHOD PROPOSED BY GREEK SIDE, AND ADDED THAT IT
WOULD TO EXAMINE PROVISIONS WHICH GREEKS FOUND
UNSATISFACTORY AS WELL AS POINTING OUT THOSE WHICH
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US FOUND STILL SATISFACTORY, NOTING THAT US SIDE
CLEARLY REGARDED ALL PROVISIONS AS SATISFACTORY
SINCE IN US VIEW PURPOSE OF THESE AGREEMENTS HAD
BEEN TO FILL GAPS AND SUPPLEMENT NATO SOFA BUT
AGREEING THAT WHERE PROVISIONS WERE OBSOLETE OR
REDUNDANT THEY COULD BE ABOLISHED. US SIDE PREFERRED
TO LEAVE FOR OF AGREEMENT OPEN, AS NEW
AGREEMENT MIGHT POSE PROBLEMS WHICH COULD BE
OBTIATED UNDER REVISION OF OLD AGREEMENT.

8. NEXT MEETING OF SUBCOMMITTEE WILL DEPEND UPON
ACTION TAKEN BY APRIL 10 PLENARY TO FIX FURTHER
PLENARY SESSIONS OR ORGANIZE ADDITIONAL SUBCOMMITTEES.
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